

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION**

Furious Carney,	:	Case No. 1:17-cv-428
	:	
Plaintiff,	:	Magistrate Judge Karen Litkovitz
v.	:	
Shawn Smith et al.,	:	<u>STIPULATED PROTECTIVE ORDER</u>
	:	
Defendants.	:	
	:	

This stipulated protected order covers all medical records for Furious Carney (“Materials”) that have been or will be produced in discovery in this case. These records shall be subject to discovery between and among the parties but shall otherwise be kept confidential.

By agreement of the parties, these confidential Materials shall be held strictly confidential by counsel for each party and may only be disclosed to counsel for each party, including members of the legal, paralegal, secretarial and clerical staff of counsel who are assisting in or responsible for working on the litigation, the parties, Court and appropriate Court personnel, court reporters during depositions in which confidential material is marked, witnesses who need to know the Materials, individuals, including adjustors, who are assisting a party for the purpose of preparing for, conducting or settling this action and expert witnesses consulted with and/or retained by counsel for each party.

None of the Materials covered by this protective order may be disclosed to any other person, or member of the public. If Materials subject to this protective order are produced, copied, used in a deposition, or at trial, it shall be marked prominently with the word “CONFIDENTIAL.” Any document subject to this order used at trial, in discovery, in a deposition, expert report, pleading, or in any other way so as to make it a potentially public

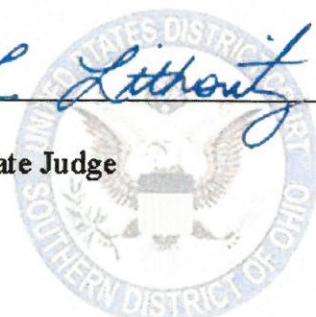
record, it shall be so submitted "under seal" after receiving prior written permission of the Court. In the alternative, if a document has been marked "CONFIDENTIAL," the party wishing to file it can seek consent from the party which marked the document "CONFIDENTIAL" to file the document not under seal. Such consent shall be memorialized in writing.

This Protective Order does not authorize filing protected Materials under seal. No document may be filed with the Court under seal without prior permission as to each such filing, upon motion and for good cause shown, including the legal basis for filing under seal. *See Procter & Gamble Co. v. Bankers Trust Co.*, 78 F.3d 219 (6th Cir. 1996).

Except as otherwise provided herein, inadvertent failure to designate information as "CONFIDENTIAL" shall not be deemed a waiver of any claim of confidentiality as to such matter, and the same thereafter may be corrected by supplemental written notice. Upon receipt of the supplemental written notice, the terms of this Protective Order shall apply.

After final termination of this action, including appeals or expiration of the time in which to appeal, each counsel of record, upon written request made within 60 days of the date of final termination, shall within 60 days of such request (a) destroy and certify in writing as to the destruction of, or (b) assemble and return to the counsel of record, all materials in their possession and control embodying information designated "CONFIDENTIAL," including all copies thereof. To the extent that any information has been filed under seal with the Court, pursuant hereto, such documents may be retrieved from the Clerk's Office by the party seeking to maintain the confidentiality of such documents within 60 days of said final termination.

IT IS SO ORDERED.


Karen L. Litkovitz
United States Magistrate Judge


Agreed to by:

/s/ Adam Gerhardstein

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